

ORLANDO DELGADO,
Petitioner,

vs.

ATTORNEY GENERAL
OF THE STATE OF NEVADA, *et al.*

Respondents.

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2:11-cv-00583-JCM-GWF

ORDER

Although submitted on the court’s form, as correctly noted by respondents, petitioner failed to answer any of the questions on the form, failed to plead claims separately, and failed to sign the petition under penalty of perjury. Under Rule 2(d) of the Rules Governing Section 2254 Cases, a petitioner “must substantially follow . . . a form prescribed by a local district-court rule.” Accordingly,

1 the court grants respondents' motion for petitioner to comply with Rule 2. The court will send petitioner
2 a new court-approved form and require him to complete it in its entirety. Additionally, the court grants
3 respondents' motion for an extension of time within which to respond to the forthcoming second
4 amended petition.

5 **IT IS THEREFORE ORDERED** that the clerk shall send petitioner a set of forms for
6 filing § 2254 actions in this court, together with instructions for filing such forms. Petitioner shall have
7 **thirty (30) days** from the date of the entry of this order within which to file an amended petition using
8 only the court-approved form. Petitioner shall answer all questions on the form and shall title the
9 petition "SECOND AMENDED PETITION." If petitioner fails to comply with these directives, this
10 action shall be dismissed and closed.

11 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** from the
12 date of service of the second amended petition within which to answer, or otherwise respond to, the
13 petition. In their answer or other response, respondents shall address any claims presented by petitioner
14 in his petition as well as any claims presented by petitioner in any statement of additional claims.
15 Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including
16 lack of exhaustion and procedural default. **Successive motions to dismiss will not be entertained.** If
17 an answer is filed, respondents shall comply with the requirements of Rule 5 of the Rules Governing
18 Proceedings in the United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner
19 shall have **forty-five (45) days** from the date of service of the answer to file a reply.

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22 DATED July 30, 2012.

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25 UNITED STATES DISTRICT JUDGE
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